



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 30 - 2020

COMMON ADDRESS OF LOTS TO BE REZONED:

3425 (Meyers Lot 1), 3423 (Meyers Lot 2), 3421 (Meyers Lot 3), 3419 (Meyers Lots 4 & 5), 3415 (Meyers Lots 6 & 7, Meyers Lot 8, Meyers Lot 9, South 7th Street, Terre Haute, IN 47802

Parcel Numbers: 84-09-04-283-020.000-005, 84-09-04-283-019.000-005, 84-09-04-283-018.000-005, 84-09-04-283-022.000-005, 84-09-04-283-021.000-005, 84-09-04-283-016.000-005, 84-09-04-283-015.000-005 and 84-09-04-283-014.000-005.

Current Zoning: Meyers Lots 1, 6 and 7 are C-2 Community Commercial District; Meyers Lots 2, 3, 4, 5, 8 and 9 are R-1 Single Family Residential District

Requested Zoning: C-6 Strip Business District

Proposed Use: Finzel's Mastertech - auto repair services

Name of Owner: Scott Holding Company, Inc.

Address of Owner: 4720 Cart Path, Terre Haute, IN 47802

Phone Number of Owner: (812) 232-4311

Attorney Representing Owner (if any): Jeffrey A. Lewellyn

Address of Attorney: 333 Ohio Street, Terre Haute, IN 47807

Phone Number of Attorney: (812) 232-4311

For Information Contact: Jeffrey A. Lewellyn

Council Sponsor: Amy Auler

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED
OCT 06 2020
CITY CLERK

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 30 - 2020
COMMON COUNCIL OF THE CITY OF TERRE HAUTE, STATE OF INDIANA

An Ordinance Amending Chapter 10, Article 2, of the Municipal Code, designated as “Comprehensive Zoning Ordinance for Terre Haute, Indiana”.

SECTION I. BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, That Chapter 10, Article 2 of the City Code of Terre Haute, designated as “Comprehensive Zoning Ordinance for Terre Haute, Indiana” and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

“That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to wit:

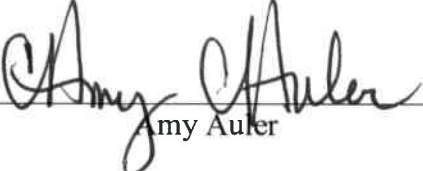
Lot Numbers One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9) in Meyer’s Subdivision in Section 4, Township 11 North, Range 9 West as the same appears on the recorded plat of said Subdivision in Plat Record No. 10, page 31½ of the records of the Recorder’s Office of Vigo County, Indiana, together with oil, coal and mineral rights.

Commonly known as: 3425 (Meyers Lot 1), 3423 (Meyers Lot 2), 3421 (Meyers Lot 3), 3419 (Meyers Lots 4 & 5), 3415 (Meyers Lots 6 & 7, Meyers Lot 8, Meyers Lot 9, South 7th Street, Terre Haute, IN 47802


be and the same is, hereby established as a **(C-6) Strip Business District**, together with all rights and privileges that may inure to said real estate and owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member:


Amy Auler

Passed in Open Council this 5TH day of NOVEMBER, 2020.



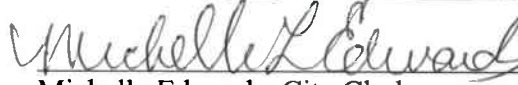
George Azar, President
Common Council of
City of Terre Haute, Indiana

ATTEST:



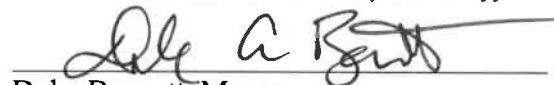
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 6TH day of NOVEMBER, 2020.



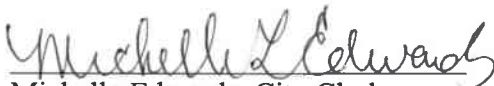
Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 6TH day of NOVEMBER, 2020.



Duke Bennett, Mayor,
City of Terre Haute, Indiana

ATTEST:



Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Jeffrey A. Lewellyn

This instrument prepared by: Jeffrey A. Lewellyn, Attorney, 333 Ohio Street, Terre Haute, IN 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

and THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION OF VIGO COUNTY, INDIANA:

LADIES AND GENTLEMEN:

The undersigned, **Scott Holding Company, Inc.**, respectively submits this petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9) in Meyer's Subdivision in Section 4, Township 11 North, Range 9 West as the same appears on the recorded plat of said Subdivision in Plat Record No. 10, page 31½ of the records of the Recorder's Office of Vigo County, Indiana, together with oil, coal and mineral rights.

Commonly known as: 3425 (Meyers Lot 1), 3423 (Meyers Lot 2), 3421 (Meyers Lot 3), 3419 (Meyers Lots 4 & 5), 3415 (Meyers Lots 6 & 7, Meyers Lot 8, Meyers Lot 9, South 7th Street, Terre Haute, IN 47802

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" the above described real estate is now zoned as C-2 Community Commercial District for Lots 1, 6 and 7, and R-1 Single Family Residential District for Lots 2, 3, 4, 5, 8 and 9.

Your Petitioner would respectively state that the real property at issue is currently unimproved land. The property site has mixed zoning classifications of R-1, C-2 and C-6 in the surrounding area. Petitioner has entered into a purchase-sale agreement that is contingent upon rezoning the property to allow for the intended development of the land for use by Finzel's Mastertech for auto repair services, as currently exists across 7th Street to the east.

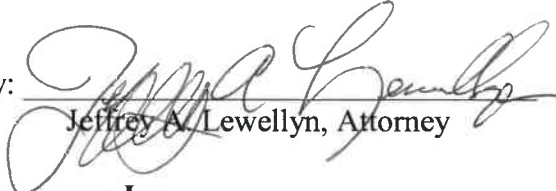
Your Petitioner requests that the real estate described herein shall be zoned as a **(C-6) Strip Business District**. Your Petitioner would allege that this change in zoning and use would not alter the general characteristics of this neighborhood.

Your Petitioner would respectively show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission of Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, Chapter 10, Article 2, of the Municipal Code, designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana", and declaring the above-described real estate to be part of the **(C-6) Strip Business District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the subject real estate and the owners thereof by virtue of the new zoning designation subject to all limitations imposed by deed or otherwise.

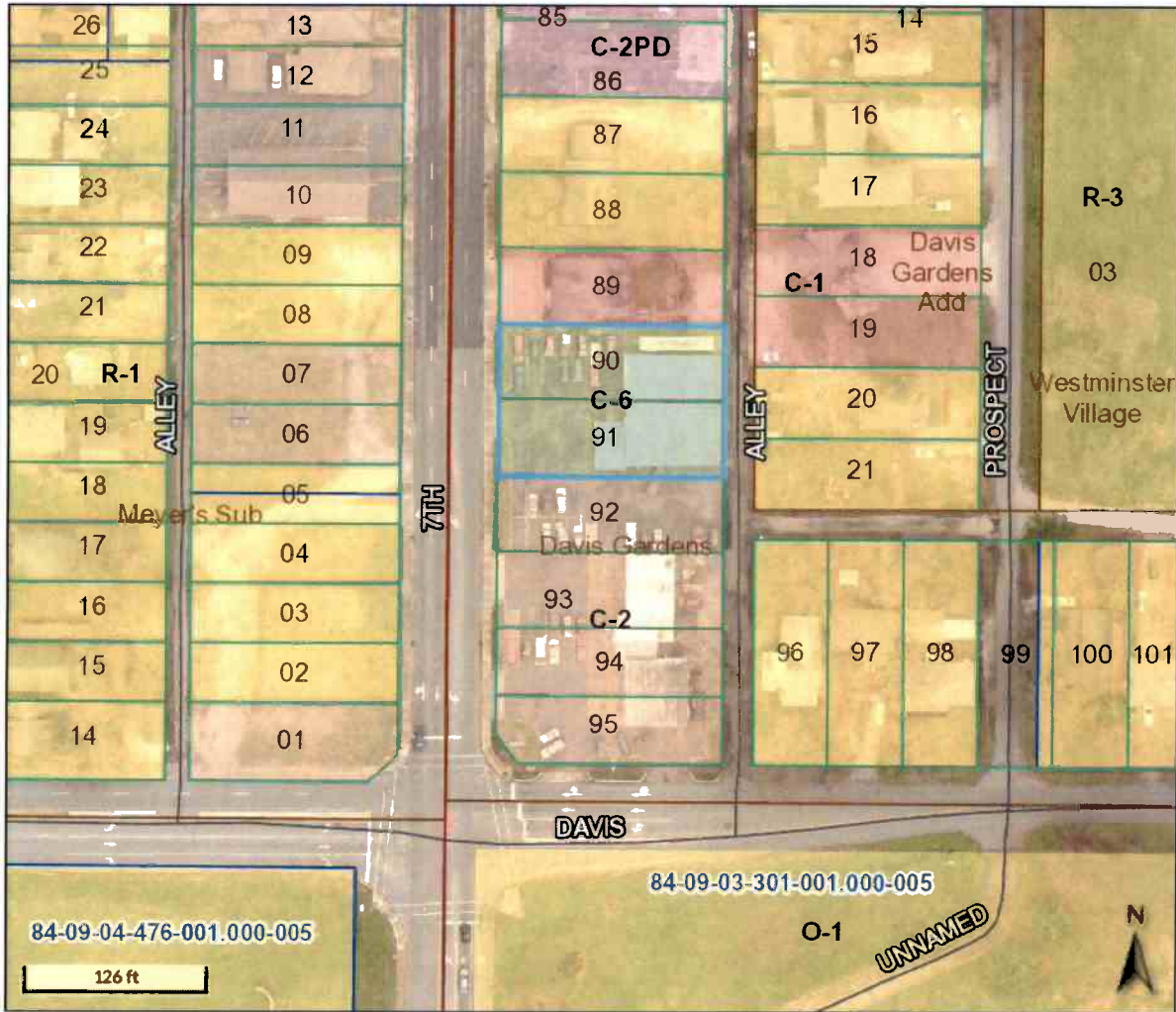
IN WITNESS WHEREOF, this Petition has been duly executed on this 6th day of October, 2020.

Scott Holding Company, Inc.

By: 
Jeffrey A. Lewellyn, Attorney

Petitioner: **Scott Holding Company, Inc.**
4270 Cart Path
Terre Haute, IN 47802

Prepared By: Jeffrey A. Lewellyn, No. 15216-34
ATTORNEY FOR PETITIONER
Wilkinson Goeller Modesitt
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807
Phone: (812) 232-4311



Overview

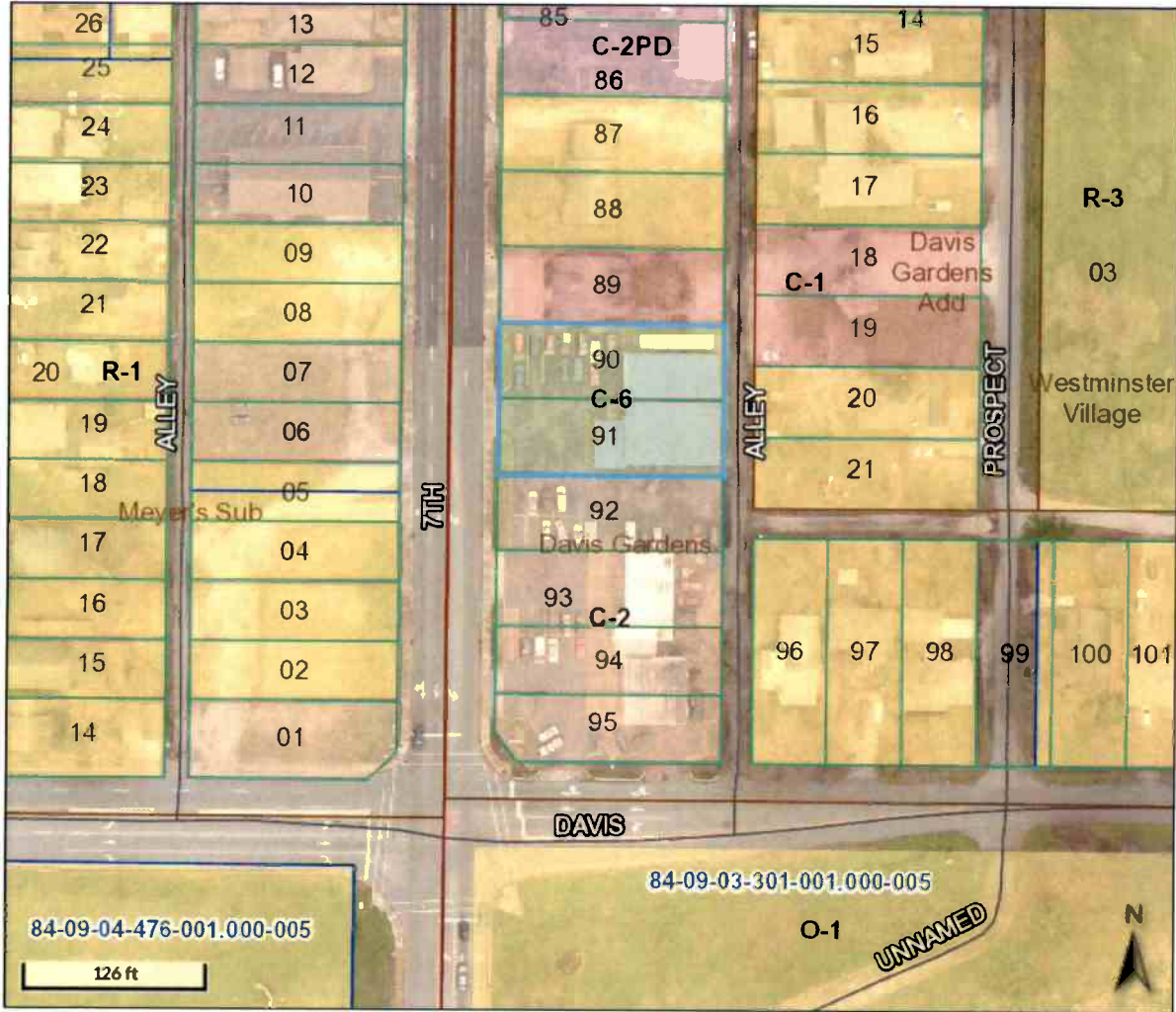


Legend

- Corporate Limits
- Political Township
- Sections
- Subdivisions
- Blocks
- Lots
- Parcels
- Road Centerlines

Current Zoning Classifications

- A-1
- A-1MO
- A-1NR
- C-1
- C-1PD
- C-2
- C-2PD
- C-2SU
- C-3
- C-3NR
- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR



Overview



Legend

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- C-3PD
- C-3SU
- C-4
- C-5
- C-6
- C-6PD
- C-6SU
- C-7
- C-7NR
- C-8
- C-8PD
- C-9
- C3PUD
- M-0
- M-1
- M-1PD
- M-2
- M-2NR

AFFIDAVIT OF OWNERSHIP AND CONSENT

COMES NOW Affiant, Donald T. Scott, President of **Scott Holding Company, Inc.** ("Scott Holding"), and affirms under penalty of law that Scott Holding is the owner of record of the property identified as Meyers Subdivision Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, located at **South 7th Street and Davis Avenue, Terre Haute, IN 47802, Parcel Nos. 84-09-04-283-020.000-005, 84-09-04-283-019.000-005, 84-09-04-283-018.000-005, 84-09-04-283-022.000-005, 84-09-04-283-021.000-005, 84-09-04-283-016.000-005, 84-09-04-283-015.000-005 and 84-09-04-283-014.000-005.** for which a rezoning is requested. Attached hereto are copies of the deeds evidencing Scott Holding's ownership. Scott Holding is seeking to rezone Meyers Subdivision Lots 1,6 and 7 of the subject property from its current zoning of (C-2) Community Commercial District, and Meyers Subdivision Lots 2, 3, 4, 5, 8 and 9 of the subject property from its current zoning of (R-1) Single Family Residential District, all to **(C-6) Strip Business District.**

I affirm under penalty of perjury, that the foregoing representations are true.



Donald T. Scott, President

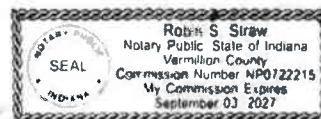
STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, **Donald T. Scott**, President of Scott Holding Company, Inc., who acknowledged the execution of the above and foregoing Affidavit of Ownership and Consent, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal this 16th day of October, 2020.

My commission expires:
September 03, 2021


Robin S. Straw, Notary Public
Resident of Vermillion County, Indiana



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 31 2012

Timothy M. Allsup
VIGO COUNTY AUDITOR

2012001120 WD \$22.00
01/31/2012 02:54:41P 4 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented


Investors Titlecorp
Meridian Technology Center
111 Congressional Blvd
Suite 250
Carmel, IN 46032

CORPORATE WARRANTY DEED

11200826S

THIS INDENTURE WITNESSETH, That Miller Floral Co. Inc (Grantor), CONVEYS AND WARRANTS to Scott Holding Company, Inc., (Grantee), for the sum of Ten and No/100--- Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

Grantor further certifies that there is no Gross Income Tax due the State of Indiana at this time with respect to this conveyance.

Subject to real estate property taxes for 2011 due and payable in 2012, and subject to real estate property taxes payable thereafter.

Taxing Unit: Terre Haute/Honey Creek Township; Parcel Number 84-09-04-283-020.000-005; 84-09-04-283-019.000-005; 84-09-04-283-018.000-005; and 84-09-04-283-022.000-005

Subject to any and all easements, agreements and restrictions of record.

The undersigned person(s) executing this deed on behalf of Grantor represent(s) and certifies/certify that she/he/they is/are (a) duly elected officer(s) of Grantor and has/have been fully empowered, by proper corporate resolution of Grantor, to execute and deliver this Deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Investors Titlecorp,

y

EXHIBIT "A"

Lots Number One (1), Two (2), Three (3), Four (4) and Five (5), except 19 feet and 6 inches of even width off the North side of Lot Number Five (5) in Meyer's Subdivision of Section Four (4), Township Eleven (11) North, Range Nine (9) West, recorded in Plat Record 10, Page 31-1/2 of the records of the Recorder's Office of Vigo County, Indiana.

|

Return deed to: **Investors Titlecorp, 111 Congressional Blvd Suite 250 Carmel IN 46032**

The address of such real estate is commonly known as 3419, 3421 S 7th St., Terre Haute, Indiana 47802

Grantees' Post office mailing address is (NO PO BOXES):

4270 Cant Path. Terre Haute IN 47802

Tax bills should be sent to such address unless otherwise noted below.

SAME AS ABOVE

Prepared by Misty Y McDonald, Attorney at Law, Attorney No 22022-83, 400 Wabash Avenue, Suite 215, Terre Haute, Indiana 47807 / (812) 243-4775

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law". Rosanne Taylor

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

OCT 08 2014

2014012585 TT \$22.00
10/08/2014 03:13:38P 4 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Timothy M. Spivey
VIGO COUNTY AUDITOR

TRUSTEES' DEED

THIS INDENTURE WITNESSETH: That Diane A. Walton, Deborah Lynn Crawford and Donna Suzanne Vohland, as Trustees of the Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended ("Grantor"), CONVEYS and WARRANTS to Scott Holding Company, Inc., an Indiana corporation, with a mailing address of 4270 Cart Path Drive, Terre Haute, Indiana 47802 (the "Grantee"), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the real estate in Vigo County, in the State of Indiana, described as follows, to-wit:

19 feet 6 inches of even width off the North side of Lot Number Five (5) in Meyer's Subdivision of Section 4 Township 11 North, Range 9 West, recorded in Plat Record No. 10 page 31½ of the records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Eight (8) and Lot Number Nine (9) in Meyer's Subdivision in Section 4, Township 11 North, Range 9 West, as the same appears on the recorded Plat of said Subdivision in Plat Record No. 10, page 31½ of the records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Six (6) and Seven (7) in Meyer's Subdivision in Section 4, Township 11 North, Range 9 West as the same appears on the recorded plat of said Subdivision in Plat Record No. 10, page 31½ of the records of the Recorder's Office of Vigo County, Indiana, together with oil, coal and mineral rights.

TOGETHER WITH all improvements thereon and appurtenances thereto.

The undersigned persons executing this deed aver that they are the sole trustees of the Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended; have full authority and capacity to execute, acknowledge, and deliver this deed for and in behalf of said Trust; and no other action need be taken or done to make this an effective conveyance of the above-described real estate. Diane Walton here avers that she was formerly known as Diane Elise Angermeier.

IN WITNESS WHEREOF, Diane Elise Angermeier, Deborah Lynn Crawford and Donna Suzanne Vohland, as Trustees of the Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, have hereunto set their hands and seals as of the 19 day of August, 2014.

Diane A. Walton
Diane A. Walton, as a Trustee of
Janet T. Angermeier Family Trust Created
under the Janet T. Angermeier Living Trust,
dated January 31, 1997, as amended

STATE OF Indiana)
COUNTY OF Marion)SS:

Before me, the undersigned, a Notary Public in and for said County and State, this

19th day of August, 2014, appeared Diane A. Walton, as a Trustee of Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

Clint Baldwin
Clint Baldwin, Notary Public
Printed Name

My Commission Expires: Sep 12, 2021 County of Residence: Marion



Deborah Lynn Crawford

Deborah Lynn Crawford, as a Trustee of Janet T. Angermeier Family Trust Created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended

STATE OF OHIO)
)SS:
COUNTY OF Franklin)

Before me, the undersigned, a Notary Public in and for said County and State, this 18 day of August, 2014, appeared **Deborah Lynn Crawford, as a Trustee of Janet T. Angermeier Family Trust created under the Janet T. Angermeier Living Trust, dated January 31, 1997, as amended**, and acknowledged the execution of the above and foregoing instrument and who, having been duly sworn, stated that the representations therein contained are true.

J. Foster

J. Foster, Notary Public
Printed Name
County of Residence: Franklin

My Commission Expires:
2.28.2017



JEFFERSON D. FOSTER
Notary Public, State of Ohio
My Commission Expires
February 28, 2017



TERRE HAUTE
A FEEL ABOVE

Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354 Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: November 5, 2020

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 30-20**

CERTIFICATION DATE: November 4, 2020

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 30-20. This Ordinance is a rezoning of the property located at 3415, 3419, 3421, 3423, 3425 South 7th Street. The Petitioner, Scott Holding Company, Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-1/C-2 to C-6, Strip Business.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 30-20 at a public meeting and hearing held Wednesday, November 4, 2020. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 30-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 30-20 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 30-20 was FAVORABLE WITH THE FOLLOWING CONDITIONS: 1) Approval of a detailed site plan, including customer parking, from City Engineering.



Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 5th day of November, 2020

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #30-20
Date: November 2020

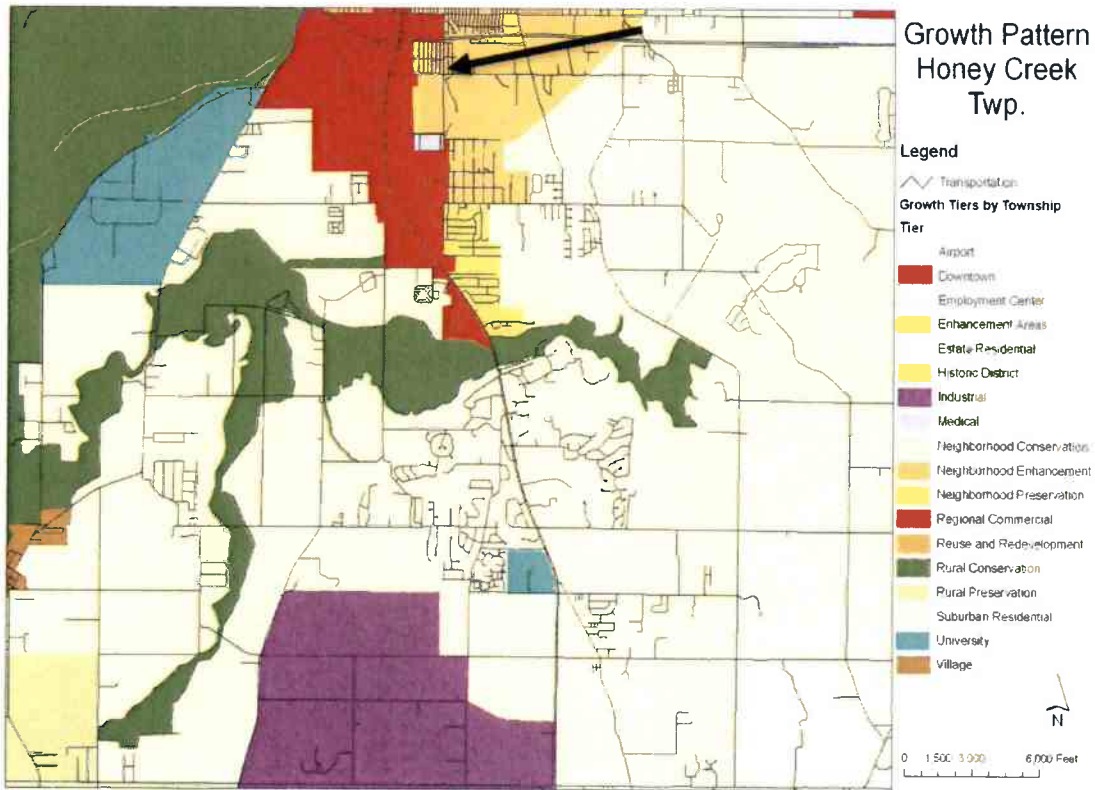
Doc: # 52
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APPLICATION INFORMATION

Owner: Scott Holding Company, Inc.
Proposed Use: Auto repair services- Finzel’s Mastertech
Representative: Jeffrey Lewellyn
Proposed Zoning: C-6, Strip Business District
Current Zoning: R-1, Single Family/C-2, Community Commercial District
Location: S. 7th Street on the West Side of Street before E. Davis Drive
Common Address: 3425, 3423, 3421, 3419, 3415, S. 7th Street- Meyers Sub: Lots 1, 2, 3,4,5,6,7,8,9
Parcels#:84-09-04-283-020.000-005/019/018/022/021/016/015/014

COMPREHENSIVE PLAN GUIDANCE

Service Area: Honey Creek



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #30-20

Doc: # 52

Date: November 2020

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Neighborhood Enhancement Areas

Areas that qualify as Neighborhood Enhancement, represent residential areas with aging housing stock, older industrial areas that are in need of reinvestment, and neighborhood commercial nodes that need assistance in meeting modern development standards. These areas are primarily located within the Terre Haute, West Terre Haute, Seelyville, and Riley.

In regards to residential neighborhoods that are in need of rehabilitation, they should receive priority efforts with respect to public improvements such as drainage, sidewalks, street, curb and gutter repair and replacement, and landscaping in the public rights-of-way. Where appropriate, new residential infill projects should be considered a high priority for undeveloped parcels. Over time incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older core of the City of Terre Haute.

Neighborhood commercial areas are small scale, retail activity clusters or planned centers that serve limited market areas – typically 4,000 to 10,000 people. They provide shopping opportunities for those most frequently purchased goods and services. Neighborhood commercial areas should be distributed throughout the community in relationship to the distribution of households. Each neighborhood commercial center should be a master planned commercial development that is contained within a defined tract or land area. Auto ingress and egress must be controlled. Most importantly, these areas should relate to surrounding residential neighborhoods but not adversely impact the livability of those neighborhoods through traffic, lighting, noise, litter, or other impacts. They will require strong buffering and landscape regulations, as well as being architecturally harmonized and able to blend with their neighborhood context.

Additional policies for Neighborhood Enhancement Areas should include:

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with the residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans and prioritize the development of those plans by area.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Dev. Priority: Neighborhood Commercial.

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-1, C-2
East – C-2, C-6
South – C-2, R-1
West – R-1

Character of Area: The petitioned property is located in a mix use of zoning categories.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #30-20

Doc: # 52

Date: November 2020

Page 3 of 3

ZONING REGULATIONS

C-6 Uses:

Uses permitted in C-6, Strip Business District are; Same as for C-1 Zone as provided in Sec. 10-207 c. (1); Banks, Barber shops; Camera and photographic supply stores; Candy and ice cream stores; Drug stores; Dry cleaning stores; Gift shops; Grocery stores, meat markets, bakeries, delicatessens, and food stores; Ice storage for retail; Municipal or privately owned recreation buildings or community centers; Post offices; Restaurants. Liquor may be served if incidental to the serving of food as the principal activity (Gen. Ord. No. 2, 2007, As Amended, 2-8-07); Service stations; Soda fountains; Sporting goods stores; Tobacco shops; Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool; Automobile sales and service (major and minor repairs); Signs as regulated by Sec. 10-141; Landscape, nurseries, garden supply, and seed stores; Business and professional offices.

Building line setbacks are 5 ft. on the east 11ft from the center of the alley on the north (§10-136, e.) and 40ft from the center of the road on the west and south (Table 1). 5ft of the setback on the west and south must be utilized as a visual barrier.

FINDINGS and RECOMMENDATION

Staff Findings:

The petitioner, Scott Holding Company, LLC, is petitioning to rezone the aforementioned lots as part of a sales agreement that is contingent upon rezoning for the land to be developed for use by Finzel's Mastertech for auto repair services. The existing Finzel's Mastertech exits across 7th St to the east. The lots proposed to be rezoned have been vacant for many years and exist along an intersection of a known commercial area. Staff does not have any concerns so long as it does not intrude into the established residential neighborhood.

No site plan has been included. A detailed site plan must be approved by City Engineering to include storm water drainage and visual screening for parking. Hard-surface parking will be required. The City may request the lots be combined for a single lot use.

Recommendation: Staff offers a Favorable Recommendation with the following conditions.

1. Approved detailed site plan to include customer parking, from City Engineering.